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Atty. Dkt. No. TVG/4885-7

REMARKS

This amendment is intended as a full and complete response to the non-final Office Action mailed July 14, 2004. In the Office Action, the Examiner notes that claims 1-16 are pending, of which claims 1-16 are rejected, and claim 17 is withdrawn from consideration. By this response claims 1-16 continue without amendment while claim 17 is cancelled.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicants believe that all of these claims are now in allowable form.

Claim 17

Applicant hereby apologizes to the Examiner for amending claim 17, which had previously been subjected to a restriction requirement. Applicants' actions were inadvertent and Applicants acknowledge that the examiner is correct in not addressing claim 17, which for convenience is cancelled.

Rejection under 35 U.S.C. §102

The Examiner has rejected claims 1-16 under 35 U.S.C. 102(e) as being anticipated by Schein et al. (U.S. Patent No. 6,002,394, hereinafter "Schein"). Applicants respectfully traverse the rejection.

With all respect to the Examiner, it appears that the Examiner misunderstands Schein. Schein discloses systems and methods for providing television schedule information in an electronic program guide such that a viewer can link, search, select and interact with information in a remote database, e.g., a database on the internet. The television schedule information can be displayed on a variety of viewer interfaces, and the television schedule information itself can be stored in a relational database on a viewer's computer, television, PCTV, or other interface. As taught in Schein, the television schedule information is transmitted to a viewer device, stored on the viewer device, and formatted by the viewer device to generate interactive electronic program

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guide images. The electronic program guide can be used to interact with and control programs displayed in a window (understood to be the electronic program guide window). Reference Schein, column 6, lines 58-65.

Applicants' independent claim 1 is useful for highlighting differences between the subject invention as defined in independent claims 1, 7, 12, 15 and 16 and Schein.

Claim 1 recites:

"A method for presenting editorial content items on a display device within the context of an electronic program guide, the electronic program guide operative to display information regarding programming available on a broadcast distribution network, the method comprising:

receiving and storing an editorial content index page and one or more editorial content items at a client device, wherein the editorial content index page includes one or more links to the editorial content items;

while the electronic program guide is displayed, selecting a control to present the editorial content index page on the display device;

recovering and displaying the stored editorial content page;

selecting a link to an editorial content item from the set of one or more links; and

recovering and presenting the editorial content item on the display device."

Schein simply does not disclose or suggest receiving and storing an editorial content index page. The Office action references Schein, column 7, lines 39-43 for doing so and notes that "editorial content" is broad. However, column 7, lines 39-43 only reference a board for receiving program guide information, generating a program guide database, displaying the program guide, and interactively controlling the program guide. Such does not suggest receiving and storing an editorial content index page. Furthermore, however accurate the Examiner is with regard to the breadth of "editorial content," the subject invention specifically recites receiving and storing an editorial content index page, not editorial content per se. In fact, Schein does not disclose receiving any index page of any type. Rather, Schein discloses receiving information and then formatting that information into an electronic program guide.

Figure 2, element 224 of the subject invention clearly shows a discrete editorial content index page. Furthermore, claim 1 of the subject invention recites that when an electronic program guide is displayed that a user can select a control to present the

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editorial content index page on the display device, and that the stored editorial content index page is both recovered and displayed. Thus, the editorial content index page is separate from the electronic program guide itself, is sent as an entity, is received as an entity, is stored as an entity, is recalled as an entity, and as an entity it includes one or more links. Nothing similar is found in Schein.

Admittedly, Schein teaches receiving television schedule information, forming that information into a program guide database, storing the database, and displaying information in that database to a user. In one embodiment the schedule information is transmitted as a set of short commands of specified formats. Different commands communicate information such as a show schedule for a given channel, the title of each show in the schedule, descriptions and information attributes about each show in the channel. ID numbers facilitate organizing the information into a relational database utilizing database engine (DBE) software that is stored in memory and executed by the processor. But, Schein does not disclose or suggest sending, receiving, storing, and recalling an index page of any type.

The Office action relies on Schein as disclosing that program schedule information is kept in a database (correct) and that the database contains an N.E.W.S. database. However, the Examiner's attention is directed to column 7, lines 59-64. Schein does not teach an N.E.W.S. database in the program guide database. Schein merely informs the reader that an N.E.W.S. database has been developed, that commands including story text and story IDs are transmitted, that a program guide can be created, and that related stories can be accessed from the program guide.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added)). Schein fails to disclose each and every element, specifically an editorial content index page in independent claims 1, 7, 12, 15 and 16.

For at least the reasons discussed above, Applicants submit that independent claims 1, 7, 12, 15 and 16 are not anticipated and fully satisfy the requirements of 35

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U.S.C. §102 and are patentable thereunder. Therefore, Applicants request that the Examiner reconsider and withdraw the rejection of independent claims 1, 7, 12, 15 and 16. In addition, dependent claims 2-6, 8-11, 13 and 14 are allowable at least for their dependency, directly or indirectly, on independent claims 1, 7, 12, 15 and 16 and the rejection of these claims should also be withdrawn.


CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are anticipated under the respective provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. or John M. Kelly at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: August 31, 2004


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